

Notice of Allowability

Application No.

09/932,760

Examiner

Martin Lerner

Applicant(s)

KONOPKA ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12 January 2005.
2. ☒ The allowed claim(s) is/are 1 to 44.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Comment Re Drawings.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest updating speech models for speech recognition, where utterances from a class of users are identified, the utterances differing from stored speech models by at least a predetermined amount, then collecting utterances, and correcting and updating speech models. The closest prior art of record is *Junqua* ('181), which discloses utterances from classes of speakers, and adaptation of speech models for utterances having a high confidence measure. (Column 3, Line 12 to Column 4, Line 54) However, *Junqua* ('181) does not provide for correcting speech models with utterances that differ from the speech models by at least a predetermined amount. Instead, *Junqua* ('181) discards utterances with low confidence, as an indication a speaker has simply said the wrong word. *Murveit et al.* discloses adaptation of speech models, where speech recognition accuracy is calculated, analogous to determining the degree to which utterances differ from a speech model, and utterances with moderate speech recognition accuracy are retained to modify an acoustic model, while if speech recognition accuracy is high or low, no modifications are made to an acoustic model. However, *Murveit et al.* does not disclose identifying speech from a class of users. Moreover, even a combination of *Junqua* ('181) and *Murveit et al.* would not teach collecting an identified set of utterances for updating.

Applicants' Specification, Page 2, Line 7 to Page 5, Line 2, states that the advantage of correcting utterances for speech that differs from speech models for classes of users is that adaptation for classes of users speaking differing primary languages, having differing genders, of differing ages, and speaking differing dialects can be efficiently and inexpensively accommodated for diverse classes of users. The prior art of record does not disclose or suggest adapting speech models for utterances differing from speech models by at least a predetermined amount for the purpose of accommodating diverse classes of users. Moreover, collecting utterances for updating provides an advantage of deferring adaptation until after completion of a session for more efficient utilization of processing resources.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In claim 22, change "e.g. dynamic time warping" to –including dynamic time warping—.

The Examiner's Amendment corrects a minor issue of indefiniteness of the term "e.g.".

Authorization for this examiner's amendment was given in a telephone interview with John Rogitz on 07 April 2005.

COMMENT RE DRAWINGS

The drawings are objected to because there are two Figures 3A. The three portions of Figure 3 should be relabeled as Figure 3A, Figure 3B, and Figure 3C.

Applicants' Response filed 12 January 2005 provides improper directions to amend the drawings. Drawings cannot be amended by instructions. Applicants must submit replacement drawings. Replacement drawings for Figures 3A, 3B, and 3C were not found to accompany Applicants' Amendment filed 12 January 2005.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 3 should be relabeled as Figure 3A, Figure 3B, and Figure 3C. Applicants are advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

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drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings filed on 16 August 2001 are acceptable subject to correction of the informalities indicated above. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

CONCLUSION

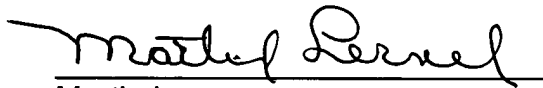
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
4/7/05


Martin Lerner
Examiner
Group Art Unit 2654